

SERVICE DATE – JULY 19, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 667X)

CSX TRANSPORTATION, INC.—ABANDONMENT
EXEMPTION—IN HARLAN COUNTY, KY

IN THE MATTER OF AN OFFER OF FINANCIAL ASSISTANCE

Decided: July 18, 2006

CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 12.56-mile rail line on its Southern Region, Huntington Division-West, Cumberland Valley Subdivision, from milepost OWH 258.5 to the end of the track at milepost OWH-271.06, in Harlan County, KY. Notice of the exemption was served and published in the Federal Register on May 11, 2006 (71 FR 27530-31). The exemption was scheduled to become effective on June 10, 2006, unless stayed by the Board or a formal expression of intent to file an offer of financial assistance (OFA) under 49 U.S.C. 10904 and 49 CFR 1152.27(c)(2) was filed by May 22, 2006. On May 23, 2006, and June 8, 2006, Pardee & Curtin Realty LLC (Pardee) and Seaside Holdings, Inc. (Seaside), respectively, late-filed formal expressions of intent to file an OFA to purchase the entire line. Pardee also requested that CSXT provide it with the financial data and information necessary to determine the line's net liquidation value (NLV). By decision served June 9, 2006, the Board accepted Pardee's and Seaside's late-filed notices of intent, Pardee's request to toll was granted, and the time for filing an OFA was extended to July 12, 2006, and the effective date of exemption was further postponed to July 22, 2006.¹ On June 16, 2006, Pardee requested that the Board further toll the time period for submitting an OFA until July 20, 2006. By decision served June 29, 2006, the time period for Pardee and Seaside to file an OFA was tolled until July 20, 2006, and the effective date of the exemption was further postponed until July 30, 2006.

By letter filed on July 14, 2006, Seaside reported that it had received CSXT's NLV material and requested that the time period for submitting an OFA be extended until July 25, 2006, to provide additional time for it to review the material received and prepare its OFA. Seaside states that it is authorized to state that Pardee joins in the request for the extension, and that CSXT has no objection.

¹ In the June 9, 2006 decision, the Board also imposed several environmental conditions, including one regarding endangered species, and a section 106 historic preservation condition. By decision served July 13, 2006, the endangered species condition was removed. The other environmental conditions imposed in that June 9 decision remain in effect.

Under the circumstances, a short extension of the OFA filing deadline is warranted and will be granted. The OFA deadline will be extended until July 25, 2006, and the effective date of the exemption will be postponed until August 4, 2006.

This decision will not significantly affect the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The deadline for Pardee and Seaside to file an OFA is extended until July 25, 2006.
2. The effective date of the exemption is further postponed until August 4, 2006.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary